

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SCHUYLER STEWART ZWAR,

Defendant.

CR 14-100-BLG-SPW

ORDER

Defendant has filed a Motion to Determine Mental Competency (Doc. 43). Defendant's motion is brought pursuant to 18 U.S.C. § 4241(a) and not opposed by the United States.

After reviewing the motion, the Court finds reasonable cause to believe the Defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

Accordingly, IT IS ORDERED:

1. The Motion to Determine Mental Competency (Doc. 43) is GRANTED.

Schuyler Stewart Zwar shall undergo an evaluation to determine his

competency to proceed in this matter in accordance with 18 U.S.C. § 4247(b)-(c) at a federal facility designated by the Bureau of Prisons.


2. The United States Marshals Service shall request that the Bureau of Prisons designate a federal facility where Defendant shall be evaluated.  
The United States Marshals Service shall notify the Court when it receives notice of the facility that has been designated.
3. All time from the date of this Order until the date of the Court's determination as to Defendant's competency is excludable under the Speedy Trial Act. 18 U.S.C. § 3161(h)(1)(A).

**IT IS FURTHER ORDERED** that the Preliminary Hearing set for January 22, 2019 at 2:00 p.m. before Magistrate Timothy J. Cavan is **VACATED**.

**IT IS FURTHER ORDERED** that the Final Revocation Hearing in this matter presently set for Friday, February 15, 2019 at 9:30 a.m. is **VACATED** until further Order of the Court.

The Clerk of Court shall immediately notify the parties and the United States Marshals Service of the entry of this Order.

DATED this 16th day of January, 2019.

  
SUSAN P. WATTERS  
United States District Judge